

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
EASTMAN KODAK COMPANY, :
:

Plaintiff, :

11cv6036 (DLC)

-v- :

ORDER

ASIA OPTICAL COMPANY, INC., :
:

Defendant. :
:
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DENISE COTE, District Judge:

On July 23, 2015, the plaintiff's motion for an anti-suit injunction was granted. On July 30, a permanent injunction was issued requiring, inter alia, the defendant to file within five business days a request with the Chinese court seeking the full and final dismissal with prejudice of all claims asserted against the plaintiff in the Chinese litigation. On August 3, the defendant appealed the entry of the July 30 permanent injunction. On August 4, the defendant moved for a stay of the July 30 permanent injunction pending appeal or, in the alternative, a temporary administrative stay. On August 5, a scheduling Order for briefing the motion to stay was issued. Upon further consideration, it is hereby

ORDERED that the defendant shall indicate by **August 7, 2015 at 10 a.m.** whether it consents to the issuance of a stay subject to the following two conditions:

(i) that the defendant file by **August 14, 2015**, a motion for expedited review of its August 3 appeal before the Court of Appeals for the Second Circuit; and

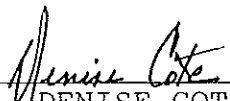
(ii) that the defendant withdraw by **August 14, 2015**, the Chinese complaint without prejudice pending a decision of the Court of Appeals for the Second Circuit on the defendant's August 3 appeal.

IT IS FURTHER ORDERED that, if the defendant consents to the above-listed conditions, the plaintiff shall indicate by **August 7 at 5 p.m.** whether it consents to the imposition of a stay subject to these two conditions.

IT IS FURTHER ORDERED that if both parties do not consent to the imposition of a stay, any opposition by the plaintiff to the defendant's August 4 motion shall be made by **August 10, 2015 at 10 a.m.**

IT IS FURTHER ORDERED that any reply by the defendant shall be made by **August 11, 2015 at 12 p.m.**

Dated: New York, New York
August 5, 2015



DENISE COTE
United States District Judge